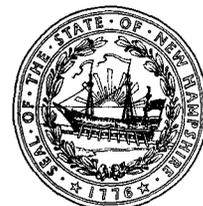




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Ms. Donna Allan
Eastern Slope Inn Resort
PO Box 359
North Conway, New Hampshire 03860

LETTER OF DEFICIENCY
WMB PBF 05-03
February 10, 2005

Dear Ms. Allan:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On February 1, 2005, DES inspected the following public bathing facilities at the Eastern Slope Inn Resort in Conway, NH: the indoor pool ("Indoor Pool") and spa ("Spa") and the outdoor pool ("Outdoor Pool").

During this inspection, the following deficiencies were noted:

1. Env-Ws 1103.15(c) requires a free residual chlorine concentration between 1.0 mg/L and 3.0 mg/L in public pool water. The free chlorine residual of the Indoor Pool water was between 4.2 and 4.7 mg/L on February 1, 2005.
2. Env-Ws 1103.16(e) requires a bromine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L bromine. The bromine concentration of the Spa water was approximately 8.5 mg/L on February 1, 2005.
3. Pursuant to Env-Ws 1103.16(a), disinfection of spa water shall be achieved by continuous feed equipment. The Outdoor Spa is currently being disinfected by hand feeding.
4. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. Records indicated that testing was being conducted only twice a day during the operating hours of 7:00AM-11:00PM.
5. Env-Ws 1105.01(j) requires a rope with attached floats a ("breakpoint safety line") to be placed across public pools over the break in depth between the shallow and deep portions of the pool. A breakpoint safety line was not present in the Pool at the time of the inspection.
6. Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities and any other safety rules developed by the bathing facility management. Patron rules were not posted at the Pool at the time of the inspection.
7. Pursuant to Env-Ws 1104.03(d)(7), a clock shall be visible from all public spas. A clock was not visible from the Outdoor Spa at the time of the inspection.
8. Env-Ws 1105.03(d)(2) requires spa filtration systems to include a flow meter. The filtration system for the Outdoor Spa did not include a flow meter. The flow meter for the Indoor Spa was not functioning at the time of inspection.

9. Swimming pool hydraulic design and filter systems shall comply with Env-Ws 1105.01(k). The circulation and filtration system for the Pool does not comply with Env-Ws 1105.01(k) (19-d) which requires a minimum recirculation flow rate of one pool water turnover per 8 hours. The turnover rate for the Pool was 11 hours at the time of inspection.

DES believes the cited deficiencies can be corrected within 30 days and requests that you submit a report within 45 days of receipt of this letter that describes the corrective measures taken. The report should include the following:

1. A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. The type, manufacture, and model of the bromine feeder to be installed.
3. The type, manufacture, and model of the flow meter to be installed.
4. A timetable of when:
 - a. the safety items will be in place;
 - b. patron rules will be posted;
 - c. the installation of the chlorine feeder will be completed; and
 - d. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

Jody Connor
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 7378

Enclosures

cc: ✓ Gretchen R. Hamel, Legal Unit Administrator, DES
Tim Wilson, Public Bathing Facility Coordinator, DES
Kenneth Kiesman, Health Officer, Town of Conway

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